

Town of Eastham

BY-LAWS, RULES & REGULATIONS

Governing
Construction, Zoning,
Subdivision, Sewage Disposal
and the
Submission of Cases
to the
Appeal Board



1959

Eastham

Massachusetts

By-Law regulating the construction, reconstruction and location of buildings within the Town of Eastham.

As accepted at the Annual Town Meeting February 16, 1948 and amended to date.

SECTION I

Article 1. DEFINITION

In this by-law the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

A. Building Lines:

The interior walls of a building at or above the ground, including bay windows, porches, piazzas, and similar projections. Uncovered steps and projecting eaves shall not be construed as being within this definition.

B. Lot Lines:

The lines defining or limiting leaseholds or ownership of land.

C. Reconstructed or Reconstruction:

The removal of any building to a new foundation, or the renewal of any structure damaged by fire or other casualty as follows:

- (1) Wood frame buildings, damaged to the frame.
- (2) Masonry buildings, damage to the walls or roof.
- (3) In all cases, damage to the foundation or interior supports.

The Building Inspector shall be the authority to determine whether any building has suffered damage in the manner described.

D. Altered or Alteration:

(1) The rebuilding or change in a structure to provide for a complete or partial change in the use to which it may be put.

(2) The rebuilding or change of any nature in structures of every kind, which exceeds 20 percent of the assessed value and which is not in the nature of ordinary repair and maintenance.

E. Additions:

The addition to a structure by which its floor area is increased.

F. First-Class Construction:

Walls of fireproof construction, and floors (except finished floors, roofs, and partitions entirely of incombustible materials with no exposed structural steel.

G. Second-Class Construction:

Exterior walls of incombustible material, not less than eight inches thick, and roof covered of incombustible material.

H. Third-Class Construction:

All other kinds of construction not First or Second Class.

Article 2. APPOINTMENT of BUILDING INSPECTOR

The Board of Selectmen annually in March shall appoint an Inspector of Buildings to hold office for the term of one year from the first of April following and until his successor is appointed and qualified.

The person appointed and qualified to act as Inspector of Buildings shall receive such salary or compensation as shall be fixed by the Board of Selectmen, within the appropriation for the Inspector of Buildings, and no other fee or compensation shall be allowed or paid to him. He shall be under the supervision of the Board of Selectmen, and shall be subject to such rules and regulations as that Board may prescribe. He shall submit annual reports of the work of his office for publication in the Town Report.

The Inspector of Buildings shall make inspection of all building operations within this Town, and he may, for this purpose, enter upon the premises where such operations are carried on at all reasonable times and shall report to the Board of Selectmen all violations of this by-law or of the conditions of any permit issued.

Article 3. PERMIT REQUIRED

Except as otherwise expressly provided herein, or by statute, or the Town By-Laws, no building or structure shall be erected, altered, reconstructed, or added to without a permit from the Building Inspector first having been obtained for such erection, alteration, reconstruction or addition. For the erection of buildings for mercantile, business or industrial purposes or for dwelling purposes to accommodate more than two family units, plans and specifications together with such structural details as may be required, shall be submitted to the Inspector of Buildings for his approval, and as a condition for the issuance of a permit. The Building Inspector shall withhold a permit if the proposed work is in violation of law or of this or any other by-law of the Town; otherwise he shall grant the permit.

Article 4. NO PERMIT REQUIRED

No permit shall be required for the construction of a building or other structure which is less than 150 sq. ft. in area and less than eight ft in height at the eaves if it is not intended to be used for dwelling purposes and is proposed to be located more than 100 ft. from a public way. No permit shall be required for repairs occasioned by ordinary wear and deterioration.

The provision of this by-law shall not apply to buildings or structures erected or owned by the United States or the Commonwealth of Massachusetts, or to bridges, quays and wharves.

Article 5. APPLICATION for PERMIT

Application for permit to erect, construct, reconstruct, alter or add to a structure shall be on forms provided. Applications shall be required to give such information regarding the proposed work as the Board or Selectmen may prescribe.

Article 6. FEE

The fee to be paid with each application for a permit shall be computed at the rate of fifty cents for each five hundred dollars of cost of the work for which application is made, but the minimum fee shall be one dollar.

Article 7. NOTICE of PERMIT

Public notice of a permit granted shall be made by posting in a conspicuous place on the premises of a suitable placard, giving the name of the owner, the signature of the Board of Selectmen, and such other information as the Board of Selectmen may deem proper.

Article 8. APPROVAL by DEPARTMENT of PUBLIC SAFETY

The Inspector of Buildings shall grant no permit for the erection, reconstruction, or alteration of a building or structure designed or proposed to be used in whole or in part as a public building as defined in Chapter 143, Section 1 of the General Laws, or as a factory, workshop, mercantile or other establishment, and to have accommodations or use for ten or more employees, or for a structure more than two stories high designed to be used above the second story as an office building, dormitory, hotel, family hotel apartment house, boarding house, lodging house, or tenement house, and having eight or more rooms above said second story, until the owner or his agent has been granted a certificate of approval by the Supervisor of Plans of the Department of Public Safety in accordance with the requirements of Chapter 143, of the General Laws.

The granting of such certificate of approval shall not relieve the owner of the proposed structure from all other applicable parts of this by-law.

Article 9. APPEAL

Any person aggrieved by the refusal of the Inspector of Buildings to grant a permit may, within seven days after such refusal, appeal to the Board of Selectmen, who, after a hearing, with seven days notice of the same having been given by advertising in a newspaper of local circulation, may affirm, modify or reverse the decision of the Inspector and may issue the permit or direct it to be issued by the Inspector in accordance with their decision.

Article 10. LINES and GRADES of PUBLIC WAY

No person shall erect any foundation, building or wall or make any alterations in the external way of any structure, any part of which is to be placed within 10 feet of a public way or place dedicated to the public use before making application to the Board of Selectmen for the location of the lines and grades of such public way or place dedicated to public use.

Article 11. BUILDING LINES

The building lines of structures for human habitation shall not be nearer to the nearest boundary of any public way than 30 feet, nor nearer to the interior side and rear lot lines than 25 feet; and if on land of single ownership, they shall not be nearer to each other than 50 feet. The building lines of structures which are necessary to wood framed structures for human habitation shall not be nearer to side and rear lot lines than 12 feet, or nearer to the nearest boundary of any public way than 30 feet.

The building lines of all other types of building or structures of third class construction, shall not be nearer to side and rear lot lines than 12 feet.

If the Board of Selectmen find that adjacent buildings for a reasonable distance on either side of the property on which the applicant proposes to build conform to some substantially common front line, the Selectmen may require the applicant also to conform thereto, regardless of the class of construction and use of the proposed structure.

Article 12. CHIMNEYS

All chimneys shall consist of masonry construction from the ground. Brick and precast cement block chimneys shall have Fire Clay flue linings continuous from bottom to top in all flues and any type of manufactured precast chimney approved by the National Board of Fire Underwriters and not in conflict with the State Fire Marshal's Office shall likewise be permissible, except that structures solely for commercial or industrial purposes may have approved steel stacks or masonry chimneys with fire brick lining.

No smoke pipe or metal flue shall pass through any wooden partitions without a safety thimble to extend the full width of partition, the smoke pipe or flue to be at least four inches from woodwork.

Article 13 FIRE PREVENTION

Buildings of second or third class construction erected as blocks and subdivided for store or similar purposes; partitions or walls in the first story separating one store or similar portion from another shall be constructed either of fireproof material or of wood studs nogged the full height and thickness of the partition with fireproof material and dividing walls in the basement shall be entirely of fireproof material. All openings in such walls or partitions in both the basement and first story shall be glazed with wire glass in metal frames or have self-closing fireproof doors in metal frames.

Article 14. SPECIAL HAZARDS

Buildings or structures of any kind, which by reason of material intended to be stored therein or processes to be carried on, present in the opinion of the Building Inspector possibilities of special hazards of fire or explosion or of noxious fumes, shall be subject to whatever degree of isolation, setback, adjacent protective provisions, material and manner of construction that the Selectmen by and with the advice of the Chief of the Fire Department may require.

Article 15. MINIMUM REQUIREMENTS for DWELLINGS

All structures erected for dwelling purposes or intended to be so used shall conform to and include the following minimum requirements:

A. Foundations:

Foundations shall be of continuous masonry construction extending at least 18 inches below the finished grade with interior supports to the ground of masonry, concrete or concrete filled steel columns.

B. Floors:

Floors shall be constructed to support a live load of not less than 40 lbs. per sq. ft.

C. Roof:

Roofs shall be constructed to carry a live load of not less than 30 lbs. per sq. ft.

D. Framing:

All other framing in size and area shall be adequate to receive transmit or support the dead load and prescribed live load. All sills shall be securely anchored to foundation.

E. Bathroom:

Except as provided for overnight cabins, as herein-after defined, there shall be a bathroom having therein a water closet and lavatory, and all toilet rooms and bathrooms shall have outside windows or other approved means of ventilation.

TABLE I

Maximum clear spans for wood girders:

size in inches	one story dwellings		one and a half story dwellings	
4 x 6	5	0	4	0
6 x 6	6	0	5	2
4 x 8	6	4	5	6
4 x 10	8	0	7	0
6 x 8	8	0	7	0
6 x 10	9	0	8	0

TABLE II

Maximum clear spans for floor joists assumed live load of 40 lbs. per sq. ft.; dead load 10 lbs. Spacing of joists is 16" center to center.

size inches	No. 1 framing		No. 3 framing	
	ft.	in.	ft.	in.
2 x 4				
2 x 6	9	1	8	6
2 x 8	12	1	11	4
2 x 10	15	3	14	4
3 x 10	17	8	16	9
2 x 12	18	5	17	3

TABLE III

Maximum clear spans for ceiling joists, live load none; dead load 10 lbs. per sq. ft. Spacing of joists is 16" center to center.

size in inches	ft.	in.
2 x 4	10	0
2 x 6	15	4
2 x 8	20	2

Note - - Where the attic space above the ceiling joists is unfinished but is usable for storage space, or if the space is suitable for finishing into future habitable rooms, the span for the ceiling joists shall be figured the same as for the floor joists.

TABLE IV

Maximum clear spans of rafters for wood or asphalt shingle roofs.

Par. 1. Clear span shall mean the distance measured horizontally from the inside of the plate to a point directly beneath the ridge; the actual rafter length will depend on the roof slope and must be determined accordingly.

Par. 2. This table is for roofs with a minimum pitch of 5" to 12"; for roofs with less pitch, the rafters shall be figured as floor joists. Spacing center to center 24".

size in inches	ft.	in.
2 x 4	6	6
2 x 6	10	3
2 x 8	13	8
20"		
ft. in.	ft.	in.
7 3	8	1
11 4	12	6
15 2	16	7
16"		

TABLES I, II, III and IV are based on a minimum fiber stress of 1200 lbs.

Nothing in the foregoing table shall be construed as to prevent other methods or types of dwelling construction, provided, however, that such other methods or types of dwelling construction shall be submitted for the approval of the Building Inspector in such form as he may require and approved by him.

G. The walls and ceilings of all basement garages shall be on fire resistant material and attached garages must be separated by fire resistant walls and (or) ceilings. The words "fire resistant" shall imply wall and (or) ceiling construction having a minimum resistance to fire of one hour, as determined by the National Board of Fire Underwriters or other recognized authority.

Article 16. **SEWAGE**

A. No cesspool or other means of sewage disposal shall be located under a building or nearer than 50 ft. to any well or other source of water supply except a public water system.

B. No burnt clay tile pipe of any description shall be used within or under a building to conduct sewage or waste from plumbing fixtures.

Article 17. **DWELLINGS LESS THAN 500 SQUARE FEET**

Two or more structures erected for dwelling purposes each having less than 500 sq. ft. of area at the first floor level exclusive of porches and similar open spaces and being on land of single ownership, shall be subject to all the provisions of that section of this by-law governing Tourist Camps not withstanding that it may not be the intention of the owner or lessee to offer said structures for transient occupancy by the day or week.

SECTION II TOURIST CAMPS

Article 1. **DEFINITIONS**

In this by-law the terms "overnight cabin" and "tourist camp" shall have the following meanings:

A. **Overnight Cabins:**

Any structure, whether described under the name or otherwise constructed for dwelling purposes and offered to the transient public for occupancy by the day or week.

B. **Tourist Camp:**

A group composed of two or more overnight cabins, guest cottages or structures going by any similar name erected on land of single ownership.

Article 7. **LOCATION of BUILDINGS**

Overnight cabins and accessory buildings shall not be erected or placed closer than 25 ft. of each other.

Article 8. **MINIMUM ACCOMMODATIONS**

No overnight cabin shall be erected having a floor area, exclusive of open porches, of less than 150 sq. ft.

SECTION III

Article 1. **INVALIDITY**

The invalidity of any section or provision of this by-law shall not invalidate any section or provision thereof.

Article 2. **BY-LAW EFFECTIVE**

This by-law shall take effect upon its approval by the Attorney General and publication according to law.

Article 3. **PENALTY**

Whoever violates any of the provisions of this ordinance shall be punished by a fine not exceeding One Hundred Dollars for each offense.